

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

MDL No.: 13-2419  
Dkt. No 1:13-md-2419 (RWZ)

This Document Relates to:

*Taylor v. Ameridose, LLC, et al.*  
No. 1:13-cv-12673 (RWZ)

and

*Certain Cases Filed against the  
Saint Thomas Entities*

**STIPULATION AND NOTICE OF CORRECTION REGARDING  
SAINT THOMAS ENTITIES' MOTION FOR LEAVE TO FILE MOTION TO DISMISS  
FOR LACK OF SERVICE OR FAILURE TO COMPLY WITH THE TENNESSEE  
HEALTH CARE LIABILITY ACT, OR IN THE ALTERNATIVE, MOTION FOR  
SUMMARY JUDGMENT**

The Saint Thomas Entities<sup>1</sup> previously moved this Court for leave to file a motion to dismiss for lack of service or failure to comply with the Tennessee Health Care Liability Act, or in the alternative, a motion for summary judgment and joinder in Saint Thomas Outpatient Neurosurgical Center's motion to dismiss all actions in which Plaintiffs failed to comply with Tenn. Code Ann. § 29-26-122.<sup>2</sup>

A list of the cases to which the Saint Thomas Entities' Motion applied was attached to the Motion as Exhibit A.<sup>3</sup> It has now come to the attention of the Saint Thomas Entities that the case

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<sup>1</sup> Saint Thomas West Hospital, formerly known as St. Thomas Hospital ("Hospital"), Saint Thomas Network ("Network"), and Saint Thomas Health ("Health") (collectively, the "Saint Thomas Entities").

<sup>2</sup> Dkt. 2879.

<sup>3</sup> Dkt. 2879-1.

filed by Barbara and Lanny Taylor, No. 1:13-cv-12673, was erroneously included on the list of cases subject to dismissal.

Accordingly, the parties stipulate and agree that *Taylor v. Ameridose, LLC, et al.*, No. 1:13-cv-12673, should be stricken and removed *nunc pro tunc* from the Saint Thomas Entities' Motion and Exhibit.<sup>4</sup> *Taylor v. Ameridose, LLC, et al.*, No. 1:13-cv-12673 is not among the cases the Saint Thomas Entities seek to dismiss for failure to satisfy the certificate of good faith requirements of the Tennessee Health Care Liability Act.

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<sup>4</sup> The Parties do not currently intend to litigate the Saint Thomas Entities' Motion in light of the Court's May 23, 2016 stay of the proceedings. The Parties file this stipulation to ensure clarity in the record that *Taylor* is not subject to dismissal for procedural errors.

Respectfully submitted,

SAINT THOMAS WEST HOSPITAL,  
FORMERLY KNOWN AS ST. THOMAS  
HOSPITAL, SAINT THOMAS NETWORK,  
AND SAINT THOMAS HEALTH

By their attorneys,

/s/ Sarah P. Kelly

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By their attorneys,

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/S/ Michael G. Derrick by permission

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\* Admitted pursuant to MDL Order No. 1.

\*\* Admitted *pro hac vice*.

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing this 10th day of June, 2016.

/s/ Sarah P. Kelly

**Sarah P. Kelly**